U.S. House Committee on Government Reform
Subcommittee on National Security, Emerging Threats, and International Relations

Testimony of

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Chairman Shays, Ranking Member Kucinich, distinguished members of the
Committee:

Thank you for this opportunity to discuss the steps the Department of State has
taken to strengthen the visa process. I am pleased that the Government
Accountability Office recognized this progress in its report "Strengthened Visa
Process Would Benefit from Improvements in Staffing and Information Sharing."
We have worked hard to implement many of the GAO recommendations from its
2002 report "Visa Process Should Be Strengthened as an Antiterrorism Tool." As
the current report notes, consular officers understand that national security is "Job
1" while they work to facilitate legitimate travel. In a parallel effort, the
Department has increased officer staffing, specifically targeting language
proficient candidates, restructured consular training with a counter-terrorism and
interviewing focus, and increased resources to combat visa fraud. The research
and recommendations Jess Ford and his GAO colleagues have made are vital to
our work; I would therefore also like to thank them for their assistance, as the
Department, together with the Department of Homeland Security (DHS), moves
forward towards our common goal of national security and secured prosperity. We
know that the goalposts are never stationary, and there are always additional steps
that can be taken to improve visa security. I look forward to commenting on the
GAO's advice in that regard today.

The Department, working with DHS, has made significant and rapid changes to the
visa process and entry screening requirements since September 11, 2001, in an
effort to "push out" our border security beyond the United States to the maximum
extent possible, while at the same time facilitating legitimate travel. Some of our
most significant steps include incorporating approximately 8.9 million records
from the FBI's National Crime Information Center (NCIC) into our Consular

Lookout and Support System (CLASS) namecheck database. This has more than doubled the records on file since June 2002. By August 2003, State implemented new regulations requiring near universal personal interviews, even before the legislative requirement was in place. In September 2003, we completed deployment of the new, tamper-resistant Lincoln nonimmigrant visa foil. In October 2004, we completed the worldwide deployment of biometric software and required facial recognition screening of all visa applicants not subject to the biometric fingerprinting requirement.

We have attached in Exhibit 1 a summary of these and some of our other significant improvements to the visa process since 9/11, which also include our ongoing participation in interagency efforts to implement the provisions of the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act, the Homeland Security Act, and the National Security Entry Exit Registration System (NSEERS).

As the GAO report recognized, the Department, through the Foreign Service Institute (FSI), has taken steps to enhance consular training, including several additions to, and the lengthening of, the Basic Consular Course. The number of offerings of FSI's special course on Fraud Prevention for Managers has quadrupled this year. 139 consular personnel have completed this course thus far in FY-2005. The content of the course has also been revised to incorporate additional material on counterterrorism and a briefing from the National Targeting Center. We agree with the GAO that we must now expand this training to include terrorist travel trends, post-specific counterterrorism techniques, and fraud prevention, either at the Foreign Service Institute (FSI) or at overseas posts. As noted in the report, we are already taking such steps including, developing FSI distance-learning courses on fraud prevention, one of which focuses specifically on countering terrorist travel.

Furthermore, because terrorist travel trends are inherently changeable and often post-specific, the Department believes that additional training should center on ways to access current intelligence data. The draft report refers to a web site recently developed by the Bureau of Consular Affairs on the Department's classified network, part of the government-wide SIPRnet classified network. FSI has developed a special training module called "SIPRnet for Consular Officers," taught by expert trainers from FSI's School of Applied Information Technology. The course features hands-on practice at a classified computer terminal in order to teach consular officers effectively to access relevant information from that web site and from other USG agency sources. All new consular officers must receive this

training as part of the Basic Consular Course, and it has also been incorporated into the course on Fraud Prevention for Managers and the Advanced Consular Course. To date, 335 consular officers have completed this training.

The GAO cites the need for both greater amounts and more targeted language training for consular officers. FSI's language and consular training sections, along with personnel at posts, have developed consular-specific modules for most of the languages. We have also expanded upon the post language programs described in the report through additional programs at posts funded directly by FSI. However, for entry-level officers, the overall limitation on the amount of time they may be in training status before their initial assignments limits the Department's capacity to bring them to high levels of proficiency in the more difficult languages. In light of the security concerns raised in this report, the Department will give careful consideration to extending that time limitation for entry-level officers assigned to critical threat countries.

Another focus of the report is staffing of visa sections. The GAO recommends that State develop a comprehensive plan to address vulnerabilities in consular visa officer staffing worldwide. However, I believe a comprehensive worldwide staffing plan already exists and is being revised on an on-going basis. We would be pleased to report to Congress at any time on these efforts, as also recommended by the GAO. For now, allow me to note that the Department periodically reviews all consular staffing needs to ensure that workload needs are met around the world, including updating the consular portion of the Department's Overseas Staffing Model (OSM) to account for workload changes every two years. For example, changes to visa processing rules in 2004 resulted in a workload increase of nineteen percent. Based on these workload reviews, which also take into account other priority needs such as American citizen services and adoptions, the Department established over 400 new consular positions between FY-2002 and FY-2005.

The GAO also frequently cites the shortage of mid-level Foreign Service officers, particularly at the FS-03 level, and the 2003 analysis that such mid-level gap would not be closed until approximately 2013. Our increased level of hiring in fiscal years 2002-2004 has now produced the largest tenure class ever with 152 generalists recommended for tenure, including approximately 70 consular cone generalists. These Foreign Service officers are immediately eligible to compete for mid-level FS-03 jobs, though they would continue until promotion to appear in personnel data as the FS-O4 entry-level officers cited in this report.

As a final point, the Department appreciates that "priority positions must be filled worldwide based on the relative strategic importance of posts and positions." Baghdad is clearly such a post, for example, and it is treated as a priority. However, every visa-issuing post is "strategic" in that a visa, regardless of where issued, grants the holder permission to travel to the United States. Therefore, every visa application must and does receive the same scrutiny, regardless of at which post the application is presented, and every visa-adjudicating officer is already serving a strategic function.

With respect to the GAO's recommendation that we ensure that interview wait times data are kept up-to-date, we wholeheartedly agree. The implementation of the numerous post 9/11 changes to the visa process has resulted in significantly increasing the complexity of the visa adjudication process and therefore also increasing the average time necessary to adjudicate a visa. One of those changes, the requirement of near universal personal interviews, necessitated instituting appointment systems at our posts, in order to arrange for interviews in a rational manner. We are acutely aware that the more complex processing requirements, combined with the personal interview requirements, have increased interview appointment wait times at some posts. CA also views the interview wait times as a management tool; that is, if a post has a consistently long interview wait time of thirty days or more, we look at the post more closely to see if this may indicate a resource or other management problem. For this reason, we require posts to update their wait times weekly, both on their post's website for the public's use and in our in-house database for our use. Since receiving the GAO's draft report, we have already taken steps to implement the GAO's recommendation by sending a cable to all posts stressing the importance of compliance with the weekly update procedure. In addition, we have reviewed the data being posted and have contacted delinquent posts directly to instruct them to update their wait time information. We will continue to monitor this closely.

The draft report also cites the need for post-specific training. As the report notes, some posts have developed more extensive programs than have others. FSI offered guidance on how to implement on-the-job training during three recent Consular Leadership Development Conferences attended by consular officers from seventy posts in Latin America, Europe, Africa, and the Middle East. FSI is currently developing detailed guidance for consular sections worldwide on how to implement on-the-job training for consular personnel, to include security-related material specific to each post on impeding terrorist travel. The Department will also send instructions to chiefs-of-missions reminding them of the importance of the visa function as an antiterrorism tool and instructing them to ensure that all

members of their mission, regardless of agency, are responsible for keeping consular officers informed of terrorist trends or travel patterns affecting their host country.

We are also working to encourage interactions between consular sections, law enforcement officials and other security officials at post to increase information-sharing with consular officers on terrorism issues relevant to the visa process, including regional or post-specific terrorism trends. We are in the process of verifying that consular chiefs and deputies abroad have the appropriate clearances to access and receive relevant intelligence from other agencies, and have staffed the Department's Bureau of Intelligence and Research with a consular officer specifically responsible for pushing pertinent intelligence and law enforcement assessments to the appropriate consular sections overseas via the classified communications system in other appropriate ways.

Nevertheless, I note that an important component of interagency information sharing is access to complete information, especially on the visa interviewing line where it is most directly relevant to fighting terrorism in the visa adjudication process. As I mentioned earlier, in early 2002 and in response to the PATRIOT Act, we worked closely with the FBI to transfer names from FBI databases into the CLASS system. This major systems integration effort began with the stop-gap measure of transferring names on magnetic tapes, but through the diligent efforts of our technical staffs it has culminated in an on-line linkage of our systems by which our CLASS system is updated daily from the FBI databases. Through this undertaking we are now able to screen all visa applicants against over eight million names in CLASS that originated in FBI databases. The end result is that thousands of ineligible visa applicants have been denied visas who otherwise might have received visas had their names not been transferred to CLASS from the FBI. Everyone involved in this effort, in particular the Congress, which made it possible through the PATRIOT Act, may be proud of how it has strengthened the enforcement of our immigration laws. However, the GAO report emphasizes that consular officers need some additional information from FBI databases in order to increase their operational efficiency and enhance national security. As an interim measure, the FBI has been providing extracts that are used by consular officers to screen visa applicants. These extracts are accessed via name-based searches. For both technical and policy reasons, these extracts do not fully meet the needs of visa officers. We have had fruitful discussions with the FBI on this matter and look forward to a solution that meets our needs.

Finally, we agree that the Department should strive to update the Foreign Affairs Manual (FAM) on a regular basis to incorporate all changes in visa policies and procedures, and we are doing so on a continuous bases. As the GAO observed, since their 2002 report, we have established voluminous and frequent new and clearer procedures on visa operations worldwide, as well as management controls, to ensure that visas are adjudicated in a consistent manner at each post. Because guidance changes so rapidly and because we are developing so many new procedures as our work and technology evolves, it is often necessary to issue guidance as "Standard Operating Procedures," or SOP, cables and wait until a new program has stabilized before we include the material in the FAM. All SOPs are available on the CA Bureau's intranet site, which is accessible by all officers worldwide. We are currently overhauling the SOP list to make it more useful, by categorizing SOPs by subject matter and, for SOPs that have been incorporated into the FAM, listing the relevant sections of the FAM that incorporate the material. In addition, we now include updated FAM notes in all cables that deal with FAM-related material, and we make every effort to post these in the FAM as quickly as possible after the cable is sent.

However, updating the FAM is rather like painting an aircraft carrier; one can never say the job is done. We literally make changes every day, so it will never be possible to say that the FAM is completely up-to-date. We agree with the GAO's recommendation and will continue to make every effort to update and modernize the FAM as quickly as possible.

Mr. Chairman, thank you for your attention. I am always happy to explain to you and the Committee the Department of State's concentrated efforts to improve our visa procedures and security. The GAO is an intrinsic part of this process, and we appreciate their hard work on the Department's behalf. We look forward to continued close cooperation with the GAO, DHS, and Congress as we look for further ways to improve the efficiency, the integrity and the security of the visa program. At this time, I am available to answer any questions that you and the Committee may have about the Department's steps to strengthen visa security or other aspects of the visa process that I have discussed.